



Nantucket Planning Board

SPECIAL MEETING

Nantucket Planning Board APPROVED Minutes

Monday, February 10, 2014

6:30PM

4 Fairgrounds Road

Public Safety Facility Community Room

First Floor

www.nantucket-ma.gov

Video of meeting available on Town website

(AGENDA SUBJECT TO CHANGE)

The complete text, plans, application, or other material relative to each agenda items are available for inspection at the Planning Office at 2 Fairgrounds Road between the hours of 8:30 AM and 4:30 PM

Attending Board Members: Barry Rector, Nat Lowell, John McLaughlin, and Linda Williams

Attending Alternate members: Carl Borchert and Joseph Marcklinger

Absent Members: Sylvia Howard (Board) and Diane Coombs (Alternate)

Staff in attendance: Andrew Vorce, Leslie Snell, and Catherine Ancero

Late Arrivals: None

Early Departures: None

I. Call to order:

Chairman Rector called the meeting to order at 6:32PM.

II. Approval of the agenda:

Ms. Williams made a motion to approve the minutes, duly seconded and voted 4-0 in favor.

III. Public Hearings:

- **#17-13 Ken & Diane Otts, 22 Mary Ann Drive, action deadline 03-01-14, CONTINUED TO 02-10-14**
- **#19-13 Brian Ryder, 5 ½ Mary Ann Drive, action deadline 03-01-14, CONTINUED TO 02-10-14**
- **#20-13 Michelle Whelan & Lyman Blake, Jr., 13B Mary Ann Drive, action deadline 03-01-14, CONTINUED TO 02-10-14**
- **#32-13 23 Commercial Wharf, 23 Commercial Wharf, action deadline 02-12-14**
Representing is Attorney Rick Beaudette. Mr. Beaudette reiterated from the last meeting. The applicant submitted a management plan for their packet to review. Mr. Beaudette asked that the Board waive the 25 foot ground coverage. Chairman Rector opened the floor to the public. Attorney Arthur Reade stated that it is a travesty of the Zoning Bylaw if the application is approved, approving a single family dwelling. Mr. Borchert activated. Ms. Williams made a motion to close the public hearing, duly seconded and voted 5-0 in favor. Ms. Williams made a motion to approve with subject to the management plan, duly seconded and voted 5-0 in favor.
- **#36-13 Faros 17 Broad Street LLC, 17 Broad Street, action deadline 03-31-14**
Representing is Attorney Sarah Alger, Architect Matt MacEachern, Paul Santos – Project Engineer, and Jeremy Leventhal, Alexander Leventhal and Elliot Gould – Principals. Attorney Alger stated that they tried to be responsive as best that they could from the Board, variety of abutters and the HDC's concerns. The applicant has made some modifications to the plans that they heard from the last meeting. Attorney Alger briefly reviewed the

modifications. Mr. Santos briefly reviewed the original plans and the revised plans. Ms. Williams expressed concern of the three parking spaces would rather see it eliminated, green space, handicap accessible, apartments, management plan and sidewalk. Mr. Lowell agreed with Ms. Williams regarding eliminating parking. He has no issues with the trash. He expressed the number of rooms. Mr. Borchert stated that he might have an idea that they may be able to do or not if they could move the handicap lift to the north stairway and make a handicap spot where the courtesy van would go, the three spots if that is possible. Mr. MacEachern stated that it certainly possible. Mr. McLaughlin questioned how many parking is required. Mr. Santos stated fourteen spaces for the current project. Mr. McLaughlin stated that they need to meet the requirement for parking. Ms. Williams stated that the handicap is hidden and it can't be and it is on the side and not by the entrance. Chairman Rector questioned if the bar is only for patrons of the hotel. He feels that it is a little invasive due to how it would be controlled by their guest. He is not keen of this aspect. If the Board is okay with it Chairman Rector would like to see the management plan. Chairman Rector questioned if they will be running a courtesy shuttle, the drop off zone he would like for it to be sketched out a little bit more. Chairman Rector opened the floor to the public. George Butterworth, North Water Street expressed concern of the handicap parking spaces. Dan Bailey representing for 19 Broad Street expressed concern of the massing of the project, intensity use, rather see controlled green space, and would like to see better treatment of the landscaping. Mr. Bailey stated that the parking space out front is marked as Nantucket Police parking, that would solve loading, drop off and pick up, and suggested that the applicant make some effort of requested that the applicant make an effort of to see what they could do to get that changed and encourage the Planning department to work with the applicant on that. Attorney Alger stated that they did go to the Town to eliminate the Official spaces because of the parking of the old Police station and they informed her that they would like more parking spaces. Kathy Butterworth commented that it is not a Victorian it is an old house and request to keep the history of the house and feels that porches is not appropriate to the house. The Board would like the applicant to provide at the next meeting a management plan, how they are going to deal with the bar area, relocate handicap, parking spaces, better landscaping plan, flush out courtesy shuttle and calculate green space. Ms. Williams made a motion to continue this application to March 10th, duly seconded and voted 4-0 in favor.

▪ **#01-14 Nantucket Theatre Institute , 5 North Water Street, *action deadline 04-12-14***

Representing is Attorney Steven Cohen. Attorney Cohen briefly gave a brief history and summary of the proposal. Attorney Cohen stated that they are in the design and permitting phase now. Mr. McLaughlin is not agreeable to the tent. Ms. Williams listed a few concerns, posters, no Christmas tree lights however must have some type of light, trash was not policed well, the cue up the sidewalk if there is another way entering into the theater, tent came down in October the parking created an eye soar, Chairman Rector opened the floor to the public. Sarah Riley at 7 & 9 North Water Street expressed noise issue and more attention to landscape. George Butterworth expressed that the applicant be committed to one year only. Mr. Marcklinger activated. Ms. Williams made a motion to close the public hearing, duly seconded and voted 5-0. Ms. Williams made a motion to approve through October 15th the list of conditions including the newer conditions; no amplified music when cleaning, tent flaps remain down, no Christmas tree lights, need to find appropriate lights to light the entrance, down lighting, no concession, no cueing on the sidewalk entering the property, the landscaping shall be maintained along the fence line and no plywood door, duly seconded and voted 4-1 and sign in the office in favor. (Mr. McLaughlin opposed).

▪ **#02-14 The Emporium of Nantucket MCD Amendment, 54 & 54R Old South Road, *action deadline 04-12-14***

Representing is Don Bracken. Mr. Bracken gave a brief summary of the proposal. Chairman Rector opened the floor to the public. No comments were made. Mr. Borchert activated. Ms. Williams made a motion to close the public hearing, duly seconded and voted 5-0 in favor. Ms. Williams made a motion to approve the application, duly seconded and voted 5-0 in favor.

▪ **#03-14 Hither Creek Boatyard, Inc., 20 North Cambridge Street, *action deadline 05-11-14***

Representing is Attorney Arthur Reade. Attorney Reade gave a brief summary of the proposal. Chairman Rector opened the floor to the public. No comments were made. Mr. Marcklinger activated. Ms. Williams made a motion to close the public hearing, duly seconded and voted 5-0 in favor. Ms. Williams made a motion to approve the application, duly seconded and voted 5-0 in favor.

▪ **WJG Realty Company, LLC, 21 and 31 Sparks Avenue, 47 Sparks Avenue, 51 Sparks Avenue, *action deadline 05-11-14***

Representing the applicant is Attorney Sarah F. Alger, Bill O'Brien (Real Estate Consultant), Deb Farr (Director of Real Estate), Randy Harpe from VHB who handles traffic, Mike McNeiss (Principal of VHB) and Greg O'Brien (Project Manager). Chairman Rector stated that he filed a conflict of interest form from the Town due to working at Island Pharmacy which is within 300 feet radius of the proposed project and feels that he can act on this project and will not be bias. This is an extensive project involving demolition of the existing store and

construction of a new store on the site. Ms. Farr gave a detailed proposal. Ms. Williams questioned about the loading zone area how it was going in and out of there, not accessible, entrance only three entrances, not comfortable with that. Mr. Lowell stated that he is concern with the landscape and parking length. Mr. Lowell questioned if they made an agreement with the Craig property and questioned the old Glowacki property. Mr. Borchert questioned if there will be retail and offices on the second floor, and will someone will be flagging the traffic for the trucks coming in and out of the site, the little island should stay and not removed, the staging area on the Craig's property if they are consider selling the cedar trees to landscapers or donate them. Mr. McLaughlin expressed that the second row of parking should be removed so it is easy for the semi trucks going in and out, and would like a letter from the Fire Department stating that they have no issues. Ms. Williams questioned handicap spaces provided, questioned storage, expressed concern of the site line by the Fire Station coming out of Sparks Avenue. Chairman Rector stated that the isle width might need to be looked at, the new rear of the building facing the mini roundabout have not seen elevation, need some type of screening at the mini roundabout, sidewalks, Sparks Avenue side the current bike path needs to be reviewed it is currently small, need to be more pedestrian friendly. Chairman Rector opened the floor to the public. Liz Mcisaac at 18A Sparks Avenue expressed safety issues. Sue and Stephen Waterhouse both at 20 Sparks Avenue expressed concern of trash, plan of where snow will be placed blocking sidewalks, trucks going in and out traffic, parking, and open space, truck ramp and as an abutter were not notified. Mary Walsh owner of the wine shop next to Stop and Shop has no issues with the project and that the project team has reached out to condo owners and feels that this project has been managed well. Liz Mcisaac stated that property owners on Sparks Ave. and Pleasant St. were not contacted by Stop & Shop. Ms. Williams made a motion to continue to the next Planning Board meeting, March 10th, duly seconded and voted 4-0 in favor.

Recess at 9:45 PM and reconvened at 9:55PM.

▪ **#05-14 Hither Creek LLC, 324 and 326 Madaket Road, *action deadline 05-11-14***

Representing is Attorney Rick Beaudette. Mr. Beaudette gave a brief summary of the application. There was a brief conversation of parking by the conservation area and by the fence, needs to be addressed. Ms. Williams stated that she is concern with the bar on the deck. Chairman Rector opened the floor to the public. There was a brief discussion of the septic flow. Richard Ray from the Health Department stated that currently the constructed septic system is rated for a flow of 4,890 gallons of effluent per day and that under no circumstance will he allow an increase in flows to exceed the current permitted flow of 4,890 gallons per day. Colleen Whelden at 14 Baltimore Street expressed concerns of vehicles parking on the sidewalk, not policed enough, safety issue, people driving on the beach, parking tent to dangerous and noisy. Charles Stott representing for the Madaket Association expressed concerns regarding noise questioned where people park when tent is in the parking lot, limiting the hours if outside event, tent flap down and traffic. Ms. Williams made a motion to continue to the March 10th meeting, duly seconded and voted 4-0 in favor.

▪ **#7640 Fisher Lane Subdivision, 101 Low Beach Road, *action deadline 04-11-14***

Representing is Dan Mulloy. Mr. Mulloy stated that the applicant is proposing a three lot subdivision, two of which are buildable. The proposed lots are accessible from the new road with no driveway access allowed on Low Beach Road. Chairman Rector opened the floor to the public. Attorney Arthur Reade suggests denying the application expressed concern of the roadway layout meander to the right of way. Attorney Reade stated that there is a significant amount of encroachment to the conservation property to the rear as shown on the plan. Mr. Mulloy is aware of the encroachment and will be addressed. Mr. McLaughlin concurs with what Mr. Reade said. Mr. Vorce stated that the lots are overly sized and it is a policy level that the Board has to decide. Mr. Vorce stated that staff can do some research regarding meandering roads. Ms. Williams made a motion to continue this application to the March 10th meeting duly seconded and voted 4-0 in favor.

▪ **#7641 Mothball Way Subdivision, 281 Hummock Pond Road, *action deadline 04-14-14***

Representing is Dan Mulloy. Mr. Mulloy gave a brief summary of the application. Chairman Rector opened the floor to the public. No comments were made. Ms. Williams made a motion to close the public hearing, duly seconded and voted 4-0 in favor. Ms. Williams made a motion to approve the proposed project, duly seconded and voted 4-0 in favor.

▪ **WARRANT ARTICLES FOR 2014 ANNUAL TOWN MEETING TO BE DISCUSSED:**

- **ARTICLE 61:** Zoning Bylaw amendments to section 139-12B to modify the requirements of the Public Wellhead Recharge District;

- **ARTICLE 64:** Zoning Bylaw amendments to section 139-33A to modify the requirements for extensions, alterations, or changes to pre-existing nonconforming uses, structures, and lots;
- **ARTICLE 65:** Zoning Bylaw amendment to section 139-33E to modify the allowances, including but not limited to “grandfathered” status, ground cover, and setbacks, for pre-existing nonconforming uses, structures, and lots;
- **ARTICLE 66:** Zoning Bylaw amendment to section 139-2 to amend the definition of “apartment” so that the prohibition of apartments on the first floor of a commercial structure is removed (CITIZEN ARTICLE);
- **ARTICLE 67:** Zoning Bylaw amendments to section 139-7A to modify the “use chart” to: correct “registered marijuana dispensary”, allow additional uses in the CN district, including apartment building, lumberyard, bike rental, and elder housing facilities, insert a new use “apartment building”, insert a new use “commercial shed”, to insert a new use “village motor vehicle parking lot”, and to remove the “LC” column from the Town Commercial Districts;
- **ARTICLE 68:** Zoning Bylaw miscellaneous technical amendments to add a definition for “apartment building” and “junk yard”, modify the definitions for “ground cover” and medical marijuana treatment center”, to amend the map reference for the Public Wellhead Recharge District to reflect a previous Zoning Bylaw amendment, to modify section 139-24 to reflect up-to-date practices, and to amend section 139-30 to update other section references to the Zoning Bylaw;

Ms. Williams made a motion to continue the zoning articles to the next Planning Board meeting in March, duly seconded and voted 4-0 in favor.

IV.ANR's:

- #7642 42 Easton Street Nominee Trust, 42 Easton Street (Map 42.4.1 Parcel 21)
- #7643 Edward Foley Vaughan & Sandra R. Holland, 2 South Beach Street (Map 42.4.2 Parcel 60)
- #7644 Arthur I. Reade, Jr. Trustee Swain's Point Nominee Trust, 260 Polpis Road (Map 25 Parcel 1)
- #7645 Bartlett Farm, LLC, 19 Bartlett Farm Road (Map 65 Parcel 16.1)
- #7646 Henry & Cynthia Coffin, Lenox Way, Siasconset (Map 49 Parcel 191)
- #7647 Doris A. Murray, 76 Polpis Road (Map 43 Parcel 177)
- #7648 Donald R. & Olwen T. Pomgrace, 78 Polpis Road (Map 44 Parcel 25.7)
- #7649 Town of Nantucket, Monomoy Avenue, Northern Avenue & Galen Avenue (Maps 29 & 42.4.1)

Mr. McLaughlin made a motion to approve and endorse file numbers 7642 through 7649 in accordance with staff recommendations, duly seconded and voted 4-0 in favor.

V. Second Dwellings:

- Lisa Doble-Holby, 5 Stone Post Way, (Map 74 Parcel 80)
- Jim Keliver, 58A Pochick Avenue (Map 79 Parcel 988)
- Tamara Grenier, 62 South Shore Road (Map 80 Parcel 112)
- Robert J. Miklos, 16 Prospect Street, (Map 55.4.4 Parcel 74)

Ms. Williams made a motion to approve all four second dwellings in accordance with the staff recommendations, duly seconded and voted 4-0 in favor.

VI.Previous Plans:

- **Bunker Road MCD, *Minor modification discussion, (RATIFY VOTE)***

Ms. Williams made a motion to table to the March meeting, duly seconded and voted 4-0 in favor.

VII. Preliminary Plan:

- **#7639 Dorothy Harrison Egan Foundation, 11 Mill Hill Road, (Map 55.4.4 Parcels 26, 314, 316, 317 & 318), (12 lots, 12 buildable)**

Ms. Williams made a motion to approve the preliminary plans, duly seconded and voted 4-0 in favor.

VIII. Public Comments:

No comments were made.

IX. Other Business:

X. Adjourn:

Chairman Rector adjourned the meeting at 11PM.

LIST OF DOCUMENTS PROVIDED:

Staff Report dated 020514

Agenda for 021014

XI. Public Hearings:

- **#17-13 Ken & Diane Otts, 22 Mary Ann Drive, action deadline 03-01-14, CONTINUED TO 02-10-14**
- **#19-13 Brian Ryder, 5 ½ Mary Ann Drive, action deadline 03-01-14, CONTINUED TO 02-10-14**
- **#20-13 Michelle Whelan & Lyman Blake, Jr., 13B Mary Ann Drive, action deadline 03-01-14, CONTINUED TO 02-10-14**
- **#32-13 23 Commercial Wharf, 23 Commercial Wharf, action deadline 02-12-14**
Cover letter dated 010214
Management Plan
- **#36-13 Faros 17 Broad Street LLC, 17 Broad Street, action deadline 01-15-14**
Cover letter dated 020314
Plans date stamped 020314
Letter dated 013114 from Faros Properties
- **#01-14 Nantucket Theatre Institute , 5 North Water Street, action deadline 04-12-14**
Application dated 121813
Plans
Email from Bobbi Conti dated 020214
Email from Foley Vaughan dated 012714
Letter dated 012714 from S. Lingerman
Email from Leslie dated 012414
- **#02-14 The Emporium of Nantucket MCD Amendment, 54 & 54R Old South Road, action deadline 04-12-14**
Letter from Bracken Engineering, Inc. dated 121213
Application dated 121713
Plans
Revised Hydrologic Analysis revised date 121013
- **#03-14 Hither Creek Boatyard, Inc., 20 North Cambridge Street, action deadline 05-11-14**
Application dated 011314
Plans
Email from Valerie Norton dated 012814
- **#04-14 WJG Realty Company, LLC, 21 and 31 Sparks Avenue, 47 Sparks Avenue, 51 Sparks Avenue, action deadline 05-11-14**
Application dated 011314
Plans
Stormwater Management Report dated 011014
Proposed Stop & Shop Redevelopment dated January 2014
Site Plans
Email from Mike Burns dated 020614
Letter from Michael & Marcia Kane dated 020614
- **#05-14 Hither Creek LLC, 324 and 326 Madaket Road, action deadline 05-11-14**
Cover letter from Vaughan, Dale, Hunter and Beaudette dated 011614
Application dated 011714
Plans
Cover letter from Lori D'Elia dated 011714
Letter from Bill Grieder dated 02014
Letter from Sylvia O'Donnelli dated 013114

Letter from Allison Kimmerle dated 013014

Email from Larry dated 020314

Email from Susie Tapley dated 020314

Email from Leslie Snell dated 013114, 020114, 020214, 020314

▪ **#7640 Fisher Lane Subdivision, 101 Low Beach Road, *action deadline 04-11-14***

Application dated 011414

Letter from Dan Mulloy dated 011314

Plans

▪ **#7641 Mothball Way Subdivision, 281 Hummock Pond Road, *action deadline 04-14-14***

Application dated 011414

Letter from Dan Mulloy dated 011314

Plans

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List of all proposed Zoning Articles

XII. ANR's:

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- **#7649 Town of Nantucket, Monomoy Avenue, Northern Avenue & Galen Avenue (Maps 29 & 42.4.1)**

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All ANR's submitted with applications along with two paper copies of plans, reduce plan and a mylar plan.

XIII. Second Dwellings:

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- Jim Keliver, 58A Pochick Avenue (Map 79 Parcel 988)

- Tamara Grenier, 62 South Shore Road (Map 80 Parcel 112)
- Robert J. Miklos, 16 Prospect Street, (Map 55.4.4 Parcel 74)

All second dwellings submitted with applications and two plans.

XIV. Previous Plans:

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XV. Preliminary Plan:

- #7639 Dorothy Harrison Egan Foundation, 11 Mill Hill Road, (Map 55.4.4 Parcels 26, 314, 316, 317 & 318), (*12 lots, 12 buildable*)

Application dated 020314 along with plans